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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/709,879	06/03/2004	Domenic Belcastro	BEL 0117 PUS	3878
27256 75	90 03/17/2006		EXAMINER	
ARTZ & ART	TZ, P.C.		NGO, L	IEN M
28333 TELEGR SUITE 250	RAPH RD.		ART UNIT	PAPER NUMBER
SOUTHFIELD, MI 48034			3754	
			DATE MAILED: 03/17/2006	6

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/709,879	BELCASTRO, DOMENIC			
		Examiner	Art Unit			
		LIEN TM NGO	3754			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
Status						
1)	Responsive to communication(s) filed on 29 De	ecember 2005.				
<i>,</i> —	· · · · · · · · · · · · · · · · · · ·	action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
·	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
	Claim(s) <u>1-22</u> is/are pending in the application.					
•	4) Of the above claim(s) is/are withdrawn from consideration.					
	5) Claim(s) is/are allowed.					
<u> </u>	6)⊠ Claim(s) <u> </u>					
	Claim(s) <u>1-22</u> is/are rejected.)∐ Claim(s) is/are objected to.					
•	Claim(s) is/are objected to: Claim(s) are subject to restriction and/or election requirement.					
•			•			
Applicati	on Papers					
9)☐ The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notice 3) Information	et(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:				

Application/Control Number: 10/709,879

Art Unit: 3754

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1-3, 5-11, 13-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being 2. anticipated by Hestehave et al. (5,118,014). Hestehave et al., disclose in figs. 1 and 3-6, a lid assembly comprising a cap having a handle 12, a top face 15, a sip port and vent port 13 integrally formed in the top face; a release lever 20 detachably pivotally coupled to the cap about a pivot point (21,16) and movable between a sealed configuration and an unsealed configuration, said release having a thumb pad 22 on a first side of the pivot point and a sip plug 24 and a vent plug 24 on a second side of the pivot point, the second side of the release lever is generally fork-shaped or substantially crescentshaped (see figs. 5 and 6) having two arms, where the vent plug and sip plug each extend from the distal end of the one of each arm, the sip plug sealing the sip port independently of the vent plug sealing the vent port; and a biasing mechanism (spring) 25 operatively couple to the cap and the release lever to urge the lever to the sealed configuration, whereby the unsealed configuration is achieved by applying force between the thumb pad and the self-gripping handle (see col. 3, lines 43-49). The spring is integral with the cap 10 and the release lever 20 (examiner notes that "integral"

Application/Control Number: 10/709,879

Art Unit: 3754

meant "formed as an unit with another part" or "composed of integral parts in the Merriam Webster's Collegiate Dictionary).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-3, 5-11, 13-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hestehave. To the degree it can be argued that "integral form" is "one piece form", therefore, Hestehave does not disclose the release level being one-piece form with a spring and a thumb pad. It would have been obvious to have having ordinary skill in the art at the time the invention was made to make the spring and the thumb pad in the Hestehave invention in one piece, since it has been held that forming one piece of article which has formerly been formed in two pieces and put together involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S 164 (1893).
- 5. Claims 4, 12 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Hestehave in view of Eger et al. (5,222,623).

Eger teaches a lower portion of a lid having a detachable snap-fit engagement for coupling to a container.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lower portion of the Hestehave lid Application/Control Number: 10/709,879

Art Unit: 3754

with a detachable snap-fit engagement for quickly coupling and removing the lid with the container.

Response to Arguments

6. Applicant's arguments filed 12/29/05 have been fully considered but they are not persuasive as pointed out in the rejections above.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

Art Unit: 3754

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL MAR can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO
Primary Examiner
Art Unit 3754

March 15, 2006

m

hropod (as an insect) between two successive molts; also fual in a specified instar

e \in-stat\ vt (1603) 1 obs a: INVEST. ENDOW b: BESTO : to set or establish in a rank or office: INSTALL to set or establish in a rank or office: INSTALL
tu quo \in-stā-(,)tü-'kwō, -sta-; -sta-(,)chü-\ adv [NI ite in which] (1602): in the former or same state

1-ra-tion \in-sto-ra-shan, \in(t)-sta-\ n [L instauration tio, fr. instaurare to renew, restore — more at STORE] storation after decay, lapse, or dilapidation 2: an act of establishing something

to write but called \sim 2: as an alternative to somether doring implied: RATHER (longed \sim for a quiet country life) id of \in-'ste-do(v), -'sti-\ prep [ME in sted of] (13c): in substitute for or alternative to

p \'in-, step\ n (15c) 1: the arched middle portion of the n front of the ankle joint; esp: its upper surface 2: the

or stocking that fits over the instep gate \in(t)-sto-,gat\ vt -gat-ed; -gat-ing [L instigutory are — more at STICK] (1542): to good or urge forward see INCITE - in-sti-ga-tion \,in(t)-sta-'ga-shan\ n \'in(t)-sto-,gā-tiv\ adj — in-sti-ga-tor \-,gā-tər\ n 'll also in-stil \in-stil\ vt in-stilled; in-still-ing [ME:

nstiller, fr. L instillare, fr. in- + stillare to drip, fr. stillare cause to enter drop by drop (~ medication into the in impart gradually (~ing a love of learning in children) NT - in-stil-la-tion \in(t)-sta-la-shan, -(,)sti-\'n" :ti-lor\ n — in-still-ment \-mont\ n

inct \'in-stin(k)t\ n [ME, fr. L instinctus impulse, fr. ; akin to L instigare to instigate] (15c) 1: a natural ude, impulse, or capacity (had an ~ for the right word ly inheritable and unalterable tendency of an organi plex and specific response to environmental stimuli in eason b: behavior that is mediated by reactions be is level - in-stinc-tu-al \in-stin(k)-cha-wal, -challed

inc-tu-al-ly adv inct \in-\stin(k)t, \in-\ adj (1667) 1 obs: impelled: ating or exciting agency 2: profoundly imbued d, ~ with romance —S. J. Perelman

nc-tive \in-stin(k)-tiv\ adj (15c) 1: of, relation, nct 2: prompted by natural instinct or properties ously (an ~ fear of innovation —V. L. Parrington) ous - in-stinc-tive-ly adv

:i-tute \in(t)-sto-,tüt, -,tyüt\ vt -tut-ed; -tut if \ tus, pp. of instituere, fr. in- + statuere to set up.

1: to establish in a position or office 2 2.0 stablished : ORGANIZE (instituted reading clinica) AUGURATE (instituting an investigation of the char rin-sti-tu-tor \-,tü-tər, -,tyü-\ n

itute n (1546): something that is instituted: inciple recognized as authoritative (2) place ciples and precepts; esp: a legal compendium the promotion of a cause : ASSOCIATION (a) blind) c: an educational institution and equi d fields d: a usu, brief intensive course of many cs relating to a particular field (an urban studies) i-tu-tion \in(t)-sta-'tü-shan, -'tyü-\ n (14c) 31

: ESTABLISHMENT 2 a : a significant paramization in a society or culture (the ~ of the contract of the contrac ig or someone firmly associated with airline ne an ~ in the theater) b; an established com (as a college or university) esp. of a public college or university esp. of a public ti-tu-tion-al-ise Brit var of INSTITUTIONALTE :i-tu-tion-al-ism \-shn>-,li-zəm, -shəm

usis on organization (as in religion) at the ublic institutional care of handicapped sons 3: an economic school of thought ial institutions in influencing economic ist \-shn>-list, -sh>-n^1-ist\ n ti-tu-tion-al-ize \-shn>-,liz, -sho-n -----

make into an institution : give character ionalized housing); esp: to incorporate hly formalized system (institutionalized) e of an institution (~ alcoholica) (-ü-shnə-lə-zā-shən, -shə-nəl-ə-zā-) n store \in-stor, -stor\ adj (1961) (1961) activity located or taking place inside

truct \in-strakt\ vt [ME, fr. L has uere to build — more at STRUCTURE]

EACH, TRAIN 2: to provide with the structure of the s e judge ~ed the jury) 3: to give

n see TEACH, COMMAND instruction \in-strak-shan\.n.(13) al ~s> b: a direction calling al ~s > b: a direction calling
pl. (had ~s not to admit
hnical procedure: DIRECTION
form a particular operation
teaching — in-struc-tion-al
struc-tive \in-strak-tiv\ adj
— in-struc-tive-ly adv
struc-tor \in-strak-tar\ n

college teacher below
ship\ n
struc-tress \-strak-tras\
-stru-ment \'in(t)-str
uere to arrange, instruct
a: a means whereby some
cone used by another as
p: one designed for p
deed, bond, or agreemen

the present value of a quantity under observation b: an electrical mechanical device used in navigating an airplane; esp: such a device strument \- ment\ vi (1752) 1: to address a legal instrument to

to score for musical performance: ORCHESTRATE 3: to equip with striments esp. for measuring and recording data (an instrumented

partimental \in(t)-stro-men-tal\ adj (14c) 1 a : serving as a serving as a serving as a constant of a musical instrument of tool 2: relating to, composed for, performed on a musical instrument 3: of, relating to, composed for, imatical case or form expressing means or agency 4: of or relatto instrumentalism 5: OPERANT 3 (~ learning) (~ conditioning) to mental n — in-stru-men-tal-ly \-t'l-\(\text{e}\) adv

to men-tal-ism \-i-z\rangle n (1909): a doctrine that ideas are in-

ments of action and that their usefulness determines their truth men-tal-ist \-ist\ n (1823) 1: a player on a musical instru-

2: an exponent of instrumentalism — instrumentalist adj men-tal-i-ty \in(t)-stra-man-'ta-la-te, -men-\ n, pl -ties (1651) requality or state of being instrumental 2: MEANS, AGENCY men-ta-tion \in(t)-stra-man-ta-shan, -men-\ n (1845) 1: the

resenct or composition of music for instruments esp. for a band 2: the use or application of instruments (as for observameasurement, or control) 3: instruments for a particular pureso: a selection or arrangement of instruments ent flying n (1928): navigation of an airplane by instruments

landing n (1938): a landing made with limited visibility of instruments and by ground radio direction panel n (1922): a panel on which instruments are

dinate \in(t)-sə-bor-d'n-ət, -bord-nət\ adj (ca. 1828)

inite authority — insubordinate n — in-sub-or-di-natetent to authority — insubordinate n — in-sub-or-di-nateabor-di-na-tion \-, bor-don-'ā-shən\ n

ib '\lin(t)-səb-'stan(t)-shəl\ adj [prob. fr. F insubstantiel,

dintialis, fr. L in- + LL substantialis substantial] (1607) tintial: as a : lacking substance or material nature b dinness for solidity : FLIMSY — in-sub-stan-ti-al-i-ty

dinness of somethy adj (15c): not to be endured: IN
lately in-sa-f(a-)ra-ball adj (15c): not to be endured: IN
bore — in-suf-fer-able-ness n — in-suf-fer-ably

lately adj (15c) = n pl -cies (1526) 1: the

h(t)-significant: as a lack of mental or moral many (the \sim of this person for public office) b of provisions) c: lack of physical specif: inability of an organ or body part to func-I something that is insufficient or falls short of expec-

fi-shont\ adj [ME, fr. MF, fr. LL insufficient-, sufficient-, sufficients sufficient] (14c): not sufficient; lacking adequate power, capacity, or compellation, in-so-flation insufficient insufficient to blow

insufflation-, insufflatio, fr. insufflare to blow Mare to inflate, fr. sub- + flare to blow - more at or the action of blowing on, into, or in: as a: a in rite of exorcism performed by breathing on a chelowing something (as a gas, powder, or vapor) in the chelowing something (as a gas, powder, or vapor) in the chelote \'in(t)-s>-flāt, in-'s>-flāt\' vt — in-'the (call 1929) chiefly Brit: INSULATION 2

in shalar\ adj [LL insularis, fr. L insula b] in the constituting an island b calculating to, or constituting an island be residents) 2: characteristic of having, or reflecting a narrow provintion to an island of cells or tissue — in-su-in-u-lar-l-ty \in(t)-su-lar-p-tē, -syu-, in-shp-\adv

[Incomplete of the sum of the

material used in insulating
one that insulates: as a: a
clock of electricity or heat) — compare
of an electrical insulating material
conductors

islet (of Langerhans), fr. L, iscompare to the islets of metabolism of carbohydrates
of diabetes mellitus
of diabetes mellitus
clated with the presence of
cred by progressive develand the cred by progressive develconductors

injury to the
carbohydrates
injury to the
carbohydrates
to treat with insocaffect offensively or
intelligence) syn see or
diabetes minury to the
carbohydrates
injury to the
carbohydrat

Deport Collision of Market Collision of Market

in-sur-able \in-shur-2-bal\ adi (1810): that may be insured - in-si

lin-sur-ance \in-shur-ən(t)s also in-\ n (1651) 1 a: the business insuring persons or property b: coverage by contract whereby o party undertakes to indemnify or guarantee another against loss by specified contingency or peril c: the sum for which something insured 2: a means of guaranteeing protection or safety (the contra insurance adj (1954): being a score that adds to a team's lead at

makes it impossible for the opposing team to tie the game with its ne in-sure \in-shur\ vb in-sured; in-sur-ing [ME, to assure, prob. alte

of assuren] vt (1635) 1: to provide or obtain insurance on or for to make certain esp. by taking necessary measures and precaution ~ vi: to contract to give or take insurance syn see ENSURE insured n (1681): a person whose life or property is insured

in-sur-er \in-'shur-ər\ n (1654): one that insures; specif: an insurance in-sur-gence $\frac{\ln -\ln -\ln (t)}{n}$ (1847): an act or the action of bein

in-sur-gen-cy \-jon(t)-se\ n, pl-cies (1803) 1: the quality or state o

being insurgent; specif: a condition of revolt against a governmen that is less than an organized revolution and that is not recognized as belligerency 2: INSURGENCE

lin-sur-gent \-jont\ n [L insurgent-, insurgens, prp. of insurgere to rise up, fr. in- + surgere to rise — more at SURGE] (1765) 1: a person who revolts against civil authority or an established government; esp: a rebel not recognized as a belligerent 2: one who acts contrary to the policies and decisions of one's own political party

²insurgent adj (1814): rising in opposition to civil authority or established leadership: REBELLIOUS — in-sur-gent-ly adv

in-sur-mount-able \in(t)-sər-maun-tə-bəl\ adj (1690): incapable of being surmounted: INSUPERABLE (~ problems) — in-sur-mount-ably

in-sur-rec-tion \in(t)-se-rek-shen\ n [ME, fr. MF, fr. LL insurrection-, insurrectio, fr. insurgere] (15c): an act or instance of revolting against civil authority or an established government syn see REBELLION — insur-rec-tion-al \-sha-n \ adj - in-sur-rec-tion-ary \-sha-,ner-e\ adj or n — in-sur-rec-tion-ist \-sh(\(\frac{1}{2}\)-\)nist\ n

in-sus-cep-ti-ble \in(t)-sə-sep-tə-bəl\ adj (1603): not susceptible (~ to flattery) — in-sus-cep-ti-bil-i-ty \-, sep-ta-bi-la-te\ n — in-sus-

in-tact \in-takt\ adj [ME intacte, fr. L intactus, fr. in- + tactus, pp. of tangere to touch — more at TANGENT] (15c) 1: untouched esp. by anything that harms or diminishes: ENTIRE, UNINJURED 2 of a living body or its parts: having no relevant component removed or destroyed: a: physically virginal b: not castrated syn see PERFECT — in-tact-

in-ta-glio \in-tal-(,)yō, -täl-; -ta-glē-,ō, -'ta-\ n, pl -glios [It, fr. intagliare to engrave, cut, fr. ML intaliare, fr. L in- + LL taliare to cut - more at TAILOR] (1644) 1 a: an engraving or incised figure in stone or other hard material depressed below the surface so that an impression from the design yields an image in relief b: the art or process of executing intaglios e: printing (as in die stamping and gravure) done from a plate in which the image is sunk below the surface 2: something (as a gem) carved in



intaglio 1a

in-take \'in-,tāk\ n (15c) 1: an opening through which fluid enters an enclosure 2 a: a taking in b (1) : the amount taken in (2): something (as energy) taken in: INPUT in-tan-gi-ble \(,\)in-tan-jə-bəl\ adj [F or ML; F, fr. ML intangibilis, fr. L in- + LL tangibilis tangible] (1640): not tangible: IMPALPABLE in-tan-gi-bil-i-ty \-,tan-jə-bi-lə-tē\ n — in-tan-gi-ble-ness \-'tan-jəbəl-nəs\ n — in-tan-gi-bly \-ble\ adv ²intangible n (1914): something intangible; specif: an asset (as good-

in-tar-sia \in-tar-se-ə\ n [G, modif. of It intarsio] (1867) 1: a mosaic usu. of wood fitted into a support; also: the art or process of making such a mosaic 2: a colored design knitted on both sides of a fabric (as

in-te-ger \in-ti-jor\ n [L, adj., whole, entire — more at ENTIRE] (1571) 1: any of the natural numbers, the negatives of these numbers, or zero in-te-gra-ble \in-ti-gra-bal\ adj (ca. 1741): capable of being inte-

grated (~ functions) — in-te-gra-bil-i-ty \,in-ti-gra-bi-la-te\ n
in-te-gral \'in-ti-gral (usu so in mathematics); in-te-gral also -'te- also ÷ in-tra-gal\ adj (1551) 1 a: essential to completeness: CONSTITU-ENT (an ~ part of the curriculum) b (1): being, containing, or relating to one or more mathematical integers (2): relating to or concerned with mathematical integrals or integration c: formed as a unit with another part (a seat with ~ headrest) 2: composed of integral parts 3: lacking nothing essential: ENTIRE — in-te-gral-i-ty \in-tagra-lə-tē\ n — in-te-gral-ly \'in-ti-gra-lē; in-'te-gra- also -'tē-\ adv 2 integral n (ca. 1741): the result of a mathematical integration compare DEFINITE INTEGRAL INDEFINITE INTEGRAL

integral calculus n (ca. 1741) : a branch of mathematics concerned with the theory and applications (as in the determination of lengths, areas, and volumes and in the solution of differential equations) of

Integral domain n (1937): a mathematical ring in which multiplication is commutative, which has a multiplicative identity element, and which contains no pair of nonzero elements whose product is zero (the

_\a\ abut '\a\ kitten, F table \ar\ further \a\ ash \a\ ace \a\ mop, mar laul out : \ch\ chin \c\ bet \\e\easy \g\ go, \i\ hit \\i\ i\ ice \\i\ job *\0\ sing \6\ go -\6\ law \6i\ boy \th\ thin \th\ the \ü\ loot \û\ foot Jy\yet \zh\ vision \a, k, a, ce, ce, ue, ue, \see Guide to Pronunciation